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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

DOUGLAS J. REECE, et al.,

Plaintiffs,

v.

ALTRIA GROUP, INC., et al.,

Defendants.

Case No. 20-02345-WHO

**JOINT CASE MANAGEMENT
 STATEMENT**

Judge: Hon. William H. Orrick

Date: August 21, 2020

Time: 1:00 p.m.

Location: Zoom Webinar

This Document Relates to:

Direct Purchaser Actions

Matthew Blomquist v. Altria Group, Inc., and JUUL Labs Inc., Case No. 3:20-cv-02512

Anthony Martinez v. Altria Group, Inc., and JUUL Labs Inc., Case No. 3:20-cv-02597

Benjamin Deadwyler v. Altria Group, Inc., and JUUL Labs Inc., Case No. 3:20-cv-02729

John F. Stiles v. Altria Group, Inc., and JUUL Labs Inc., Case No. 3:20-cv-02779

1 *Aaron Licari v. Altria Group, Inc., and JUUL*
2 *Labs Inc.*, Case No. 3:20-02778

3 *Mallory Flannery v. Altria Group, Inc., and JUUL*
4 *Labs Inc.*, Case No. 3:20-cv-02891

5 *Denise Redfield and Albert Riccelli v. Altria*
6 *Group, Inc., and JUUL Labs Inc.*, Case No. 3:20-
7 cv-03288

8 *Sheridan Carlson v. Altria Group, Inc., and JUUL*
9 *Labs Inc.*, Case No. 3:20-cv-03430

10 *Noor-Baig, Inc. v. Altria Group, Inc., and JUUL*
11 *Labs Inc.*, Case No. 3:20-cv-03867

12 *Jessica McGee v. Altria Group, Inc., and JUUL*
13 *Labs Inc.*, Case No. 3:20-cv-04413

14 *Brent Jackson v. Altria Group, Inc., and JUUL*
15 *Labs Inc.*, Case No. 3:20-cv-04238

16 **Indirect Purchaser Actions**

17 *Daraka Larimore, Adam Matschullat, and Keith*
18 *May v. Altria Group, Inc., and JUUL Labs Inc.*,
19 Case No. 3:20-cv-02999

20 *Kerry Walsh and Allison Harrod v. Altria Group,*
21 *Inc., and JUUL Labs Inc.*, Case No. 3:20-cv-
22 03183

23 **Indirect Reseller Actions**

24 *B&C Retail, Inc. v. Altria Group, Inc., and JUUL*
25 *Labs Inc.*, Case No. 3:20-cv-03868

26 *Sofijon, Inc., et al. v. Altria Group, Inc., and*
27 *JUUL Labs Inc.*, Case No. 3:20-cv-03861

28 *Somerset Party Store Inc. v. Altria Group, Inc.,*
and JUUL Labs Inc., Case No. 3:20-cv-04073-
WHO

Irwindale Fuel Station, Inc. v. Altria Group, Inc.,
and JUUL Labs Inc., Case No. 3:20-cv-04736-
WHO

Pursuant to the Court's July 17, 2020 Minute Entry (ECF No. 86) and L.R. 16-10(d), the Direct Purchaser, Indirect Purchaser, and Indirect Reseller Antitrust Plaintiffs (collectively "Plaintiffs") and Defendants Altria Group, Inc., Altria Enterprises LLC, and Juul Labs, Inc. ("JLI") ("Defendants") (collectively "Parties")¹ jointly submit this Case Management Statement in advance of the Case Management Conference to be held August 21, 2020 at 1:00 p.m.

I. Leadership for the Direct and Indirect Purchaser Cases

In its July 17, 2020 Minute Entry (ECF No. 86), the Court ordered counsel for Plaintiffs to submit revised proposals before the next Case Management Conference. ECF No. 86. The Court advised counsel to "put forward a more diverse group of individuals" and noted that it "is inclined at this juncture to appoint one lead for direct and one lead for indirect purchases and approve a leadership structure including up to four more individuals." *Id.*

The applicants are submitting their proposals today, August 14, 2020.

II. Filing of Consolidated Complaints

Plaintiffs and Defendants continue to agree that the deadlines to file Consolidated Class Action Complaints and responsive pleadings should be set soon after this Court's selection of a leadership committee. The parties are meeting and conferring and anticipate submitting proposals to the Court in advance of the next Case Management Conference. The parties agree that Defendants do not need to respond to the current complaints, including any applicable motions to compel arbitration, and that their responses be deferred until the filing of amended and consolidated complaints.

¹ This filing includes all of the known actions filed against Defendants to date. No Defendant has been served in *Larimore, et al. v. Altria Grp., Inc., et al.* (Case No. 3:20-cv-02999) and *Irwindale Fuel Station, Inc. v. Altria Grp., Inc., et al.* (Case No. 3:20-cv-04736). In addition, the Altria Defendants have not been served in *McGee, et al. v. Altria Grp., Inc., et al.* (Case No. 3:20-cv-04413). In filing this Joint Stipulation, Defendants preserve all objections to jurisdiction, venue, sufficiency of service of process in the cases in which they have not yet been served, and the right to move to compel arbitration of claims subject to binding arbitration provisions.

III. Documents Produced to the FTC

On August 11, 2020, the “Reece Plaintiffs” (all Plaintiffs with the exception of John F. Stiles, Jessica McGee, Sheridan Carlson, and Matthew Blomquist, or the “Stiles Plaintiffs”) and the Altria Defendants filed a stipulation and proposed order (“Order”) that would grant Plaintiffs access to certain documents Defendant Altria produced to the FTC contingent on the entry of the following orders in these actions: (1) Protective Order (MDL ECF No. 308); (2) Order re Discovery of ESI (MDL ECF No. 323); (3) Case Management Order No. 4: Rule 502(d) and Privileged Materials Order (MDL ECF No. 322) (collectively, the “MDL Orders”). On August 12, 2020, the Court granted and entered the Order in this action (ECF No. 98) and the MDL Action (MDL ECF No. 860). Counsel for the Reece Plaintiffs and Defendants anticipate filing a stipulation and proposed order regarding entry of the MDL Orders prior to the next Case Management Conference.

The Stiles Plaintiffs, whose counsel were involved initially in meet and confer discussion regarding access to the FTC production, declined to agree to the stipulation after expressing concerns that the terms were not favorable to the class and would compromise Antitrust Plaintiffs’ ability to challenge privilege designations for approximately 75,000 documents produced by Altria to the FTC. Counsel for the Stiles Plaintiffs also have concerns that the stipulation supersedes the privilege log requirements of Case Management Order No. 4. The Reece Plaintiffs do not share these concerns. Counsel for the Stiles Plaintiffs were provided with an opportunity to sign the stipulation before it was filed, and they again expressed these concerns, as well as their position that no stipulation should be entered until the Court appointed lead counsel, and declined to add their names to the stipulation.

Defendant JLI and representatives from some plaintiffs groups have continued to meet and confer regarding access to the documents JLI produced to the FTC; both sides hope that these issues may be resolved without Court intervention.

IV. Efficient Coordination with the MDL

Plaintiffs also anticipate coordinating the timing and scope of discovery with MDL Plaintiffs to the extent possible to avoid unnecessarily duplicative discovery.

DATED: August 14, 2020

Respectfully Submitted,

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E-Filing Attestation

I, Joseph R. Saveri, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

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